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OLC 78-0487/33

25 September 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Civil Service Reform Legislation

1. Attached are six (6) suggested technical amendments and report language for the Civil Service Reform legislation (S.2640/H.R. 11280), which is now being considered by House and Senate conferees. These proposals were discussed with Mr. David Minton and Mr. Paul Rosenthal by the undersigned and [redacted] OGC.

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2. Briefly the reaction of Messrs. Minton and Rosenthal was as follows:

(a) Report language to clarify the status of the CIA vis-a-vis laws related to preference eligibles.

-- Minton agreed

-- Rosenthal said it seemed O.K. and will check further

(b) Adding the words "as amended" to the statutory citations in section 2304 of Title I of the House bill.

-- Minton and Rosenthal had no problem

(c) Clarify the authority of the Special Counsel to investigate withholdings under the FOIA.

-- Minton will think about this one further

-- Rosenthal said the Senate will probably go with the House version including the proviso on intelligence information.

(d) Reporting by the Special Counsel to the GAO (House version) or to the Congress (Senate version).

-- Minton said the House probably would go with the Senate version

-- Rosenthal said the Senate probably would not require reports to GAO but that the Special Counsel would have authority to review reports

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(e) Report language to clarify the appeals authority under the bill.

-- Minton said he would check into this

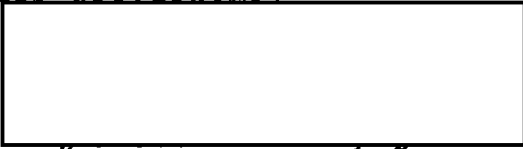
-- Rosenthal thought our suggested language was not necessary but agreed to think about it further

(f) Substitution of the term "protected against" in place of "prohibited from" at certain places in the legislation concerning disclosure of intelligence information.

-- Minton said he had no problem with our suggestion, but during a subsequent phone call later in the day, said he was inclined to view our proposal as a substantive change that would further limit the priority of the Special Counsel, and that he was more inclined to stick with the current language



-- Rosenthal said he would take another look at the Senate report language

-- Both Minton and Rosenthal indicated a willingness to accept some report language emphasizing that all of these provisions were intended to protect intelligence information, which is now protected in one form or another (by statutory or Executive Order provisions)

  
Chief, Legislation Staff

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